

**REMARKS**

In response to the Office Action dated November 3, 2004, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

An interview with the Examiner was conducted on January 3, 2005 to discuss a proposed amendment to the claims. Agreement was reached with respect to claims 9-35.

Claims 1, 4 and 6-35 are pending in the application. Claims 15-18 and 27-35 were previously withdrawn. Claims 1, 4, 6-10, 14, 19, 23, 26 and are amended. Claims 2, 3, and 5 are canceled without prejudice or disclaimer. The subject matter of canceled claims 2, 3, and 5 is added to claim 1. The amendments contain no new matter and are supported by the original specification, including the drawings and claims.

The amendments place the application in condition for allowance, because they overcome the rejections as shown below. The amendments are responsive to the § 112 and § 103 rejections by including features in independent claims that were formerly recited in dependent claims. Therefore Applicants respectfully request that the amendments be entered. The amendments do not raise new issues, because the subject matter is unchanged in substance and merely changed in form. Because the subject matter is unchanged, the original search was already directed to that subject matter. Therefore, Applicants respectfully request that the final rejection be withdrawn.

The Office Action rejected claims 1-8 under 35 U.S.C. § 112, second paragraph as being indefinite.

Claims 1, 4, and 6-8 are amended to clarify the subject matter to meet the requirements of § 112, second paragraph. The amendments are supported by the whole specification, including, for example, figures 4 and 5 and paragraphs [0040] to [0041].

The Office Action rejected claims 1-3, 6-9, 11-13, 19-21, and 25 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0107027 to O'Neil ("O'Neil") in view of U.S. Patent No. 6,313,732 to DeLuca et al. ("DeLuca").

A *prima facie* case of obviousness requires that the combination of references teach or suggest all the claim elements. A *prima facie* case of obviousness is not established, because the combination of O'Neil and DeLuca fails to teach or suggest all the claim elements, such as deleting the transmitted message from the pending database and storing a confirmation of the transmitted message in an account associated with the respective advertiser sponsoring the message.

The Office Action stated that claim 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph and to include all of the limitations of the base claim and any intervening claims. The Office Action indicated "the prior art of record fails to teach or suggest alone or in combination the steps of: deleting the transmitted message from the pending database; and storing a confirmation of the transmitted message in an account associated with the respective advertiser sponsoring the message."

Claim 1 is amended to overcome the § 112, second paragraph, rejections and to include the allowable subject matter of claim 5 and intervening claims 2 and 3. Therefore, claim 1 is allowable for at least these reasons and Applicants respectfully request that the 103(a) rejection be withdrawn.

Claims 4 and 6-8 depend from claim 1 and, thus, inherit the patentable subject matter of claim 1. Therefore, claims 4 and 6-8 are also allowable for at least these reasons and Applicants respectfully request that the 103(a) rejection be withdrawn.

Claims 9 and 19 are also amended similarly to include the allowable subject matter of claim 5. Therefore, claims 9 and 19 are allowable for at least these reasons and Applicants respectfully request that the 103(a) rejection be withdrawn.

Claims 11-13 depend from claim 9 and, thus, inherit the patentable subject matter of claim 9. Therefore, claims 11-13 are also allowable for at least these reasons and Applicants respectfully request that the 103(a) rejection be withdrawn.

Claims 20, 21, and 25 depend from claim 19, directly or indirectly, and, thus, inherit the patentable subject matter of claim 19. Therefore, claims 20, 21 and 25 are also allowable for at least these reasons and Applicants respectfully request that the 103(a) rejection be withdrawn.

The Office Action rejected claim 26 under 35 U.S.C. § 103(a) as being unpatentable over O'Neil in view of U.S. Patent Application Publication No. 2002/0116271 to Mankoff ("Mankoff") and DeLuca.

*A prima facie case of obviousness* requires that the combination of references teach or suggest all the claim elements. *A prima facie case of obviousness* is not established, because the combination of O'Neil and Mankoff fails to teach or suggest all the claim elements, such as deleting the transmitted message from the pending database and storing a confirmation of the transmitted message in an account associated with the respective advertiser sponsoring the message.

The Office Action stated that claim 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph and to include all of the limitations of the base claim and any intervening claims. The Office Action

indicated "the prior art of record fails to teach or suggest alone or in combination the steps of: deleting the transmitted message from the pending database; and storing a confirmation of the transmitted message in an account associated with the respective advertiser sponsoring the message."

Claim 26 is also amended similarly to claim 1 to include the allowable subject matter of claim 5. Therefore, claim 26 is allowable for at least these reasons and Applicants respectfully request that the 103(a) rejection be withdrawn.

The Office Action rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over O'Neil in view of U.S. Patent Application Publication No. 2002/0102993 to Hendrey et al. ("Hendrey").

Because claim 4 depends from allowable claim 1 and for the reasons above, claim 4 is also allowable over O'Neil and Hendrey and Applicants respectfully request that the 103(a) rejection be withdrawn.

The Office Action rejected claim 22 under 35 U.S.C. § 103(a) as being unpatentable over O'Neil in view of DeLuca as applied to claim 19 and further in view of Hendrey.

Because claim 22 depends from allowable claim 19 and for the reasons above, claim 22 is also allowable over O'Neil and DeLuca and Applicants respectfully request that the 103(a) rejection be withdrawn.

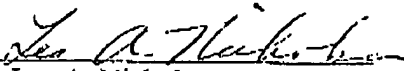
The Office Action rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over O'Neil in view of DeLuca as applied to claim 9 and further in view of U.S. Patent No. 6,161,142 to Wolfe et al. ("Wolfe").

Because claim 10 depends from allowable claim 9 and for the reasons above, claim 10 is also allowable over O'Neil, DeLuca, and Wolfe and Applicants respectfully request that the 103(a) rejection be withdrawn.

For all the reasons advanced above, it is respectfully submitted that the application is in condition for allowance. Accordingly, reconsideration and allowance of the claims are respectfully requested. The Examiner is cordially requested to telephone, if the Examiner believes that it would be advantageous to the disposition of this case.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment, which may be required for this amendment, to Deposit Account No. 06-1130. In the event that an extension of time is required, or may be required in addition to that requested in any petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 06-1130.

Respectfully submitted,

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